

Remarks:

The above amendments and these remarks are responsive to the final Office Action dated November 7, 2006.

Prior to entry of this Amendment, claims 1-8, 10, 12-19, 21, 23-31, 36, 41, 42 and 44 remained pending in the application. Claims 2, 3, 5, 13, 14, 16, 24 and 26 were withdrawn pursuant to an earlier election/restriction requirement. However, claims 1, 12 and 23 have been acknowledged as generic, the Examiner indicating that the above withdrawn claims would be considered upon allowance of such generic claims.

By this Amendment, applicants have amended claims 1-7, 12-18, 23-28 and 30. No new claims have been added. Claims 8, 19, 29, 31, 36, 41, 42 and 44 have been cancelled without prejudice. Upon entry of this Amendment, claims 1-7, 10, 12-18, 21, 23-28 and 30 thus remain pending. Applicants submit that generic claims 1, 12 and 23 are now in allowable form, and thus, that the withdrawn claims should be considered and allowed.

In view of the amendments above, and the remarks below, applicants respectfully request reconsideration of the application and allowance of the pending claims.

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Oath/Declaration

In the Office action, the Examiner indicates (for the first time) that the oath or declaration is defective inasmuch as the full name of each inventor has not been set forth (noting that the Office copy of the Declaration and Power of Attorney for Patent Application has letters missing from the name of the second named inventor).

Applicants assert, however, that the Declaration and Power of Attorney for Patent Application form submitted by applicants upon filing the present application did set forth the full name of each inventor (including the second named inventor), and that the Examiner's characterization of the Declaration and Power of Attorney for Patent Application is based on a scanning/printing artifact of the U.S. Patent and Trademark Office.

Nevertheless, applicants submit herewith (as Exhibit A) a copy of the originally-filed Declaration and Power of Attorney for Patent Application, as submitted with the originally-filed application.

Claims

Considering formal matters, applicants note that claims 4, 15, 23, 25, 31 and 36 are rejected under 35 U.S.C. § 112, second paragraph, the Examiner having indicated that such claims are indefinite for their use of the term "intended". The Examiner thus asserts that the cited language amounts to "intended limitations" and thus does not provide adequate structure. Applicants respectfully disagree.

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Nevertheless, inasmuch as the Examiner has considered the claims as reciting the "structural aspects that were intended", and inasmuch as the Examiner has indicated allowability of a variety of such claims, applicants have amended the claims to eliminate the term "intended". The rejection under 35 U.S.C. § 112 thus is understood to be overcome.

On the merits, applicants note with appreciation that the Examiner has indicated that claims 6, 7, 17, 18, 27 and 28 would be allowable if rewritten in independent form to include all of the features of the base claim and any intervening claims. Applicants have amended claims 6, 7, 17, 18, 27 and 28 to place such claims in independent form, and thus understand that such claims are in allowable form.

Regarding the remaining claims, applicants note that claims 1, 12 and 31 stand rejected under 35 U.S.C. § 102(b) based on Lesniak (US 5,387,976); Claims 4, 8, 10, 15, 19, 21, 23, 25, 29 and 30 stand rejected under 35 U.S.C. § 103(a) based on Lesniak variously in view of Raman et al. (US 6,655,755), Mackenzie et al. (US 6,808,241); Yuan et al. (US 5,609,919) and/or Tachihara et al. (6,447,088). Claims 36, 41 and 42 stand rejected under 35 U.S.C. § 103(a) based on Tachihara et al in view of Raman et al. Applicants respectfully disagree with the rejections as set forth.

In particular, applicants note that the Examiner has relied upon Mackenzie et al. (US 6,808,241) in rejecting claims 8, 19 and 29 under 35 U.S.C. § 103(a). However, Mackenzie et al. was a co-pending application commonly owned with the present application, and thus is not available as prior art under 35 U.S.C. § 103(c).

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Accordingly, in the interest of furthering prosecution of the present application to issuance of a patent, applicants have amended claims 1, 12 and 23 to incorporate the subject matter of claims 8, 19 and 29 (respectively). Claims 1, 12 and 23 thus are understood to be in allowable form. Claims 4, 10, 15, 21, 25 and 30 depend from claims 1, 12 and 23, and thus also are understood to be in allowable form for at least the same reasons as claims 1, 12 and 23. Withdrawn claims 2, 3, 5, 13, 14, 16, 24 and 26 also depend from claims 1, 12 and 23 (previously acknowledged as generic claims), and thus should be considered and allowed for at least the same reasons as claims 1, 12 and 23.

Claims 8, 19, 29, 31, 36, 41, 42 and 44 have been cancelled without prejudice to further prosecution in this application of another application. The Examiner's rejections thus are all fully addressed.

Conclusion

Regarding the Examiner's indication of reasons for the indication of allowable subject matter in claims 6, 7, 17, 18 and 28, applicants agree with the Examiner's conclusions regarding the patentability of the allowed claims, without necessarily agreeing with or acquiescing in the Examiner's reasoning. In particular, applicants believe that the claims are allowable because the prior art fails to teach or suggest the invention as claimed, independent of how the invention is paraphrased.

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Applicants believe that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

Respectfully submitted,

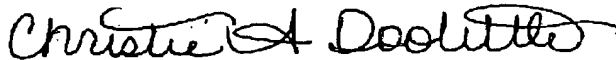
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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to Examiner S. Fidler, Group Art Unit 2861, Assistant Commissioner for Patents, at facsimile number (571) 273-8300 on January 8, 2007.



Christie A. Doolittle

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